

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

FRANK C. THERRELL AND MARIE C. THERRELL

PLAINTIFFS

V.

CIVIL ACTION NO. 1:06cv151-LTS-RHW

STATE FARM FIRE AND CASUALTY COMPANY

DEFENDANT

**ORDER**

This Court entered an [24] Order to Mediate on August 28, 2006. The mediation was scheduled to take place at 9:00 a.m., October 11, 2006. On October 10, the Court was informed by defense counsel that, through an error on their part, Defendant State Farm was not notified of the mediation and would not be able to send a representative to attend. Plaintiffs' counsel agrees that State Farm's attendance is critical, and otherwise the mediation would serve little purpose and should be continued. However, expenses have been incurred by both the American Arbitration Association and the mediator with respect to the mediation. Finally, while counsel are not discouraged from engaging in private mediation efforts, they are reminded that any communication in the Court-ordered setting should be directed to the Court and not the program's administrator or the assigned mediator.

Accordingly, **IT IS ORDERED:**

The mediation scheduled for October 11, 2006, is continued, and this matter shall be placed on the next available mediation calendar;

This order is subject to defense counsel paying the reasonable expenses incurred by the American Arbitration Association and the mediator as determined by the Court.

**SO ORDERED** this the 12<sup>th</sup> day of October, 2006.

*s/ L. T. Senter, Jr.*  
L. T. Senter, Jr.  
Senior Judge